

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
HENRY BENITEZ,

Plaintiff,

9:04-CV-1159
(NAM/GHL)

v.

C.O. GARY HAM, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

HENRY BENITEZ
Plaintiff, *pro se*

OFFICE OF THE ATTORNEY GENERAL
State of New York
Attorney for Defendants

ED J. THOMPSON, Esq.
Assistant Attorney General

GEORGE H. LOWE, United States Magistrate Judge

ORDER

This civil rights action was commenced by *pro se* plaintiff Henry Benitez on October 6, 2004. Plaintiff asserts numerous claims arising out of his confinements at Upstate Correctional Facility, Elmira Correctional Facility and Five Points Correctional Facility. See Dkt. No. 1.

The defendants have answered the complaint and a Pretrial Scheduling Order was entered in November, 2005. Dkt. No. 44. At plaintiff's request the discovery completion deadline was extended to March 15, 2007. Dkt. No. 50.¹

Presently before the Court is a motion from plaintiff to compel discovery. Dkt. No. 51. Plaintiff states that he served a First Set of Interrogatories directed to defendant Bezio, a Request to Enter upon Property for Inspection and Photographing, and Requests for Production of

¹ That Order set March 15, 2007 as the deadline for filing discovery related motions. The deadline for filing dispositive motions is May 15, 2007. *Id.*

Documents on defendants' counsel on December 23, 2006. Dkt. No. 51 at 2-3.² According to plaintiff, defendants did not timely respond to any of these discovery requests. Plaintiff sent a letter to defendants' counsel requesting responses to his outstanding discovery requests, to no avail. *Id.* at 3. This motion followed. Plaintiff seeks an order of this Court directing defendants to respond to his outstanding discovery requests. *Id.*

Defendants have not filed papers in response to plaintiff's motion.

Based on the above, the Court orders defendants to respond to plaintiff's outstanding discovery requests **within thirty (30) days** of the filing date of this Order.

WHEREFORE, it is hereby


ORDERED, that plaintiff's motion to compel discovery (Dkt. No. 51) is **granted**.

Defendants shall serve written responses to plaintiff's outstanding discovery requests **within thirty (30) days** of the filing date of this Order, and it is further

ORDERED, that defendants' counsel advise the Court in writing regarding the status of discovery in this matter and defendants' compliance with the terms of this Order **within forty-five (45) days** of the filing date of this Order, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

Dated: May 2, 2007
Syracuse, New York


George H. Lowe
United States Magistrate Judge

² Plaintiff submitted copies of these discovery demands, along with a document authorizing the disclosure of plaintiff's medical records to defendants' counsel, in support of his motion to compel.